

REMARKS

Claims 1-7, 10-18, and 23-26 are pending. Claims 8, 9, and 19-22 have been cancelled. Claims 1, 5-7, 10, 11, and 15-18 have been amended. New claims 23-28 have been added.

Rejections under 35 U.S.C. § 103

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,178,510 to O'Conner et al. (O'Conner) in view of U.S. Patent No. 6,157,953 to Chang et al. (Chang). Pursuant to MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Office action does not factually support a prima facie case of obviousness based on O'Conner and Chang for the following reasons.

A. Even When Combined, the References Do Not Teach the Claimed Subject Matter

Claims 1-7 and 10

MPEP § 2143 requires that "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Claim 1, as amended, recites in part deputizing the principal to enable the principal to delegate the rights to at least one software entity, wherein the at least one software entity can exercise the rights due to the delegation.

The cited text of O'Conner fails to teach or suggest such a deputization. Furthermore, Chang fails to supply the deficiencies of O'Conner as Chang also fails to teach or suggest such deputization. Therefore, O'Conner and Chang, whether taken singly or in combination, fail to teach or suggest all the claim limitations of claim 1 as required by MPEP § 2143. Accordingly, claim 1 is allowable. Claims 2-7 and 10 depend from and further limit claim 1, and are allowable over the cited references for at least the same reasons as claim 1.

Claims 11-14

As stated previously, MPEP § 2143 requires that “[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Claim 11, as amended, recites in part means for providing, to the principal, a deputization certificate adapted for enabling the principle to copy its rights to at least one software entity.

The cited text of O’Conner fails to teach or suggest providing a deputization certificate to the principal. Furthermore, Chang fails to supply the deficiencies of O’Conner as Chang also fails to teach or suggest providing such a deputization certificate. Therefore, O’Conner and Chang, whether taken singly or in combination, fail to teach or suggest all the claim limitations of claim 11 as required by MPEP § 2143. Accordingly, claim 11 is allowable. Claims 12-14 depend from and further limit claim 11, and are allowable over the cited references for at least the same reasons as claim 11.

Claims 15-18

As stated previously, MPEP § 2143 requires that “[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Claim 15, as amended, recites in part forwarding, to the principal, a deputization credential empowering the principal to deputize software entities; and deputizing, by the principal, at least one of the software entities, wherein the software entity can exercise the rights due to the deputization.

The cited text of O’Conner fails to teach or suggest forwarding a deputization credential empowering the principal to deputize software entities and deputizing a software entity. Furthermore, Chang fails to supply the deficiencies of O’Conner as Chang also fails to teach or suggest these elements of claim 15. Therefore, O’Conner and Chang, whether taken singly or in combination, fail to teach or suggest all the claim limitations of claim 15 as required by MPEP § 2143. Accordingly, claim 15 is allowable. Claims 16-18 depend from and further limit claim 15, and are allowable over the cited references for at least the same reasons as claim 15.

New claims 23-28

As stated previously, MPEP § 2143 requires that "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Claim 23 recites, in part, identifying an access authorization level for the principal if the principal is validated; and providing the principal with deputizing authority at the identified access authorization level, wherein the deputizing authority enables the principal to give at least one software entity within the computer system a level of access authorization equal to or lesser than the principal's access authorization level.

The cited text of O'Conner fails to teach or suggest providing the principal with deputizing authority at the identified access authorization level, wherein the deputizing authority enables the principal to give at least one software entity within the computer system a level of access authorization equal to or lesser than the principal's access authorization level. Furthermore, Chang fails to supply the deficiencies of O'Conner as Chang also fails to teach or suggest this element of claim 23. Therefore, O'Conner and Chang, whether taken singly or in combination, fail to teach or suggest all the claim limitations of claim 23 as required by MPEP § 2143. Accordingly, claim 23 is allowable. Claims 24-28 depend from and further limit claim 23, and are allowable over the cited references for at least the same reasons as claim 23.

B. The Combination of References is Improper

Furthermore, Applicant respectfully submits that the combination of O'Conner and Chang is improper. According to MPEP § 2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.... The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."

The case law is clear that there must be evidence that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. It is also clear that a rejection cannot be predicated on the mere identification of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1076 (Fed. Cir. 2000). Here, no such evidence has been presented for the combination of O'Conner and Chang. Accordingly, the combination is improper and claims 1-18 and 23-26 are allowable over the cited art.

Conclusion

Therefore, it is respectfully submitted that independent claims 1, 11, 15, and 23 are in condition for allowance. Dependent claims 2-7, 10, 12-14, 16-18, and 23-28 depend from and further limit their respective independent claims and are allowable as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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